



U.S. Department of Justice

*United States Attorney
Eastern District of New York*

JJD
F.#2010R00014

*United States Attorney's Office
610 Federal Plaza
Central Islip, New York 11722-4454*

March 18, 2011

By ECF and Regular Mail

ATTACHED DISTRIBUTION LIST

Re: United States v. Prado et al.
Criminal Docket No. 10-074 (S-3) (JFB)

Dear Counsel:

Pursuant to our on-going discovery obligations under Rule 16, the government has sent the items listed below to First Choice Copy for duplication. The items were sent by Federal Express today and should be available for order early next week. If you would like to order copies of these disks, please contact Joseph Misner at First Choice Copy at (718) 381-1480.

Additionally, pursuant United States District Judge Joseph F. Bianco's prior order, the government will send a copy of this letter and one set of the attached materials to both the Nassau County Correctional Center and the Queens Private Correctional Facility.

Finally, please be advised that, as noted below, several of these Rule 16 items are subject to the Protective Order signed by Judge Bianco on September 20, 2010, a copy of which is attached hereto.

1. Three DVDs with audio recordings of conversations involving, among others, Mario Alphonso Herrara-Umanzor ("Disk-24A, "Disk-24B" and "Disk-24C," respectively).¹
SUBJECT TO PROTECTIVE ORDER.

¹ Disks 24A-C contain the same recordings that were included on Disk-24, which was provided to defense counsel with a September 23, 2010 discovery letter. However, the government was informed by counsel for one of the defendants that several of the recordings were inaccessible.

2. A DVD with crime scene photographs from the May 26, 2009 Dexter Acheampong murder ("Disk-28");
3. A DVD with a video recording of the Acheampong crime scene ("Disk-29");
4. A DVD with audio recordings of 911 calls in connection with the Acheampong murder ("Disk-30");
5. A DVD with crime scene photographs from the May 5, 2008 Santos Castillo-Martinez murder ("Disk-31");
6. A DVD with crime scene photographs from the October 22, 2009 Jairo Vasquez murder ("Disk-32");
7. A DVD with crime scene photographs from the December 12, 2009 Erick Avalos murder ("Disk-33");
8. Two DVDs with surveillance video footage/images in connection with the Avalos murder ("Disk-34" and "Disk-35");
9. A DVD with crime scene photographs from the February 5, 2010 Vanessa Argueta and Diego Torres murders ("Disk-36");
10. Two DVDs with (a) an audio/video recording, and (b) video (only) recording of a December 6, 2010 meeting between Francisco Ramos and an undercover law enforcement officer at the Nassau County Correctional Center ("Disk-37" and "Disk-38") **SUBJECT TO PROTECTIVE ORDER;**
11. A CD with audio recordings of conversations involving, among others, Francisco Ramos ("Disk-25") **SUBJECT TO PROTECTIVE ORDER;**
12. A CD with recordings of 911 calls in connection with the November 21, 2009 assaults at El Cibao bar in Freeport, New York ("Disk-40");
13. A DVD with telephone records, including recorded telephone calls, from the Nassau County Correctional Center for Elenilson Ortiz ("Disk-41"); and
14. A DVD with scanned copies of the following documents, several of which have been redacted: (a) an autopsy report, toxicology report and autopsy photographs for David Sandler; (b) an autopsy report, toxicology report

and autopsy photographs for Dexter Acheampong; (c) photographs of MS-13 graffiti and tattoos; (d) photographs of weapons and paraphernalia recovered from MS-13 members and associates; (e) Nassau County Police Department scene examination reports regarding the Santos Castillo-Martinez, Jairo Vasquez and Erick Avalos murders; (f) Suffolk County Police Department evidence submission reports and property invoices relating to the Acheampong and Sandler murders; (g) a photograph of writing on the wall of Wilber Ayala-Ardon's jail cell; and (h) copies of medical records relating to John Doe #6 (as defined in the Third Superseding Indictment) ("Disk-42").

The government is in possession of the physical items referenced in the above-referenced property invoice forms. Additionally, the government is in possession of prison-shanks seized from Francisco Ramos, Cesar Landaverde and Adalberto Ariel Guzman. You may contact me to specify the items you would like to inspect and/or photograph and we will arrange a mutually convenient time to do so.

The government renews its request for reciprocal discovery.

Very truly yours,

LORETTA E. LYNCH
United States Attorney

By: 

John J. Durham
Assistant U.S. Attorney
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Attachments

cc: Clerk of the Court (JFB) (By ECF)

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UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

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UNITED STATES OF AMERICA

O R D E R

- against -

Cr. No. 10-CR-074 (S-2) (JFB)

PRADO et al.,

Defendants.

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Upon the application of LORETTA E. LYNCH, United States Attorney for the Eastern District of New York, by Assistant United States Attorney JOHN J. DURHAM, it is hereby:

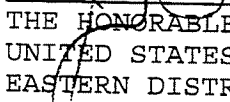
ORDERED that counsel for the defendants, or anyone acting under the direction of defense counsel, may not reproduce, distribute or otherwise disseminate the materials provided pursuant to Rule 16 of the Federal Rules of Criminal Procedure in connection with the above-referenced matter that disclose the identity of confidential informants or cooperating defendants (the "Rule 16 Materials"), including without limitation audio and video recordings. When disclosed by the government to defense counsel, the Rule 16 Materials, which are subject to this Order, will be marked or noted as "Subject to Protective Order";

ORDERED that the defendants not be permitted to bring the Rule 16 materials, or copies thereof, back to the institutions where they are incarcerated, except the defendants may review the Rule 16 Materials provided to those institutions

by the government, at the direction of the Court, in the areas designated by the institutions, but in no event shall the defendants be permitted to remove the Rule 16 Materials from the designated areas or retain copies of those materials; and

ORDERED that nothing in this Order shall prohibit: (a) defense counsel from reproducing and sharing the Rule 16 Materials with others acting under the direction of defense counsel; or (b) defense counsel, or others acting under the direction of defense counsel, from displaying or discussing the content of such Rule 16 Materials with other persons; provided however, that the restrictions set forth in this Order shall apply to those individuals acting under the direction of defense counsel.

Dated: Central Islip, New York
September 30, 2010



THE HONORABLE JOSEPH F. BIANCO
UNITED STATES DISTRICT JUDGE
EASTERN DISTRICT OF NEW YORK